IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE TWENTY FOURTH DAY OF JANUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.1135 OF 2006

Between:

C.Anka Rao,

Proprietor: M/s. Ravi Filling Station,

Palvancha Town & Mandal,

Khammam district. … Petitioner

Versus

The Joint Collector,

Khammam, Khammam district. … Respondents

Counsel for the Petitioner: Mr. A. RAJASHEKAR REDDY

Counsel for the Respondents: GP for Civil Supplies

O R D E R :

This writ petition is filed to declare the action of the respondent in not releasing the value of seized stock with 9% interest per annum as per the judgment dated 06-6-2005 in Crl.A.No.121 of 2000 on the file of the Court of Principal Sessions Judge, Khammam, Khammam district.

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for

Civil Supplies on behalf of the respondent.

The petitioner is a retail outlet dealer having licence for the supply of HSD and MS and running the said dealership under the name of Ravi Filling Station, Palvancha Town and Mandal, Khammam district. On the allegation that the petitioner has contravened the provisions of Essential Commodities Act, the Joint Collector, Khammam vide his Proceedings in MC.No.7 of 2000 dated 28-7-2000 confiscated 60% of the seized stock to the Government. Aggrieved by the same, the petitioner preferred Crl.A.No.121 of 2000 on the file of the Court of Principal Sessions Judge, Khammam. The learned Sessions Judge, through judgment dated 6-6-2006 allowed the appeal by setting aside the order passed by the Joint Collector, Khammam in MC.No.7 of 2000 dated 28-7-2000 and directed to return 60% of the value of the stock confiscated to the petitioner herein and further directed the respondent to pay value of 60% of the stock seized and confiscated to the petitioner-appellant with interest @ 9 % p.a. from the date of seizure till the date of payment.

It is stated that though the appellate authority set aside the confiscation order but the respondent has not released the value of the seized stock and therefore, the petitioner submitted his representation dated 17-10-2005, which was received in the Office of the respondent on 19-10-2005 but no action has been contemplated and the value of the seized stock has not been released.

Having regard to the facts and circumstances of the case, there cannot be any justification on the part of the respondent in not implementing the judgment dated 6-6-2005 passed in Crl.A.No.121 of 2000 on the file of the Court of Principal Sessions Judge, Khammam.

In view of the above and as can be seen from the record, it appears that the respondent has not questioned the said order and the same is subsisting as on the date of passing of this order. The writ petition is accordingly allowed, directing the respondent to implement the judgment dated 6-6-2005 passed in Crl.A.No.121 of 2000 on the file of the Court of Principal Sessions Judge, Khammam, positively within four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is accordingly allowed at the admission stage. No costs.

JANUARY 24th, 2005. ----------

l s L. **V. ESWARAIAH, J**.